

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>Only for new nonprovisional applications under 37 C.F.R. 1.53(b)</small>		Attorney Docket No. 0838.1002-003		22581 U.S. PTO 10/803185 	
		First Named Inventor or Application Identifier Garner T. Hauptert, Jr.			
		Express Mail Label No. EV 214948991 US			
Title of Invention Methods For Screening HIF Like Ouabain-Resistant Na <sup>+</sup> -K <sup>+</sup> -ATPase Agents					
<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.			<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>1. <input type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input checked="" type="checkbox"/> Specification <b>Total Pages [ 26 ]</b>  <i>(preferred arrangement set forth below)</i></p> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross References to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings <i>(if filed)</i></li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> <p>3. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) <b>Total Sheets [ ]</b>  <input type="checkbox"/> Fig. of the Drawings for Publication <input type="checkbox"/>  <input type="checkbox"/> No Figure to be Published</p> <p>4. <input type="checkbox"/> Oath or Declaration <b>Total Pages [ ]</b></p> <p style="margin-left: 20px;">a. <input type="checkbox"/> Newly executed (original or copy)</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. 1.63(d))  <i>(for continuation/divisional with Box 17 completed)</i></p> <p style="margin-left: 40px;">i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b>                      Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).</p> <p>5. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i></p> </div> <div style="width: 48%;"> <p>6. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission  <i>(if applicable, all necessary)</i></p> <p style="margin-left: 20px;">a. <input type="checkbox"/> Computer Readable Form</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> Paper Copy (identical to computer copy)  <input type="checkbox"/> Pages</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> Statements verifying identity of above copies</p> </div> </div>					
<b>ACCOMPANYING APPLICATION PARTS</b>					
<p>7. <input type="checkbox"/> Assignment Papers (cover sheet &amp; documents)</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Assignee -                      The General Hospital Corporation                      Boston, MA 02114</p> <p>8. <input type="checkbox"/> Power of Attorney <input type="checkbox"/> 37 C.F.R. 3.73(b) Statement</p> <p>9. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>11. <input type="checkbox"/> Preliminary Amendment</p> <p>12. <input checked="" type="checkbox"/> Return Receipt Postcard</p> <p>13. <input type="checkbox"/> Small Entity Statement(s)</p> <p>14a. <input type="checkbox"/> Foreign Priority Claim under 35 U.S.C. §119 or 365</p> <p>14b. <input type="checkbox"/> Certified Copy of Priority Document(s)</p> <p>15. <input type="checkbox"/> Nonpublication Request <i>(check parent application)</i></p> <p>16. <input checked="" type="checkbox"/> Other <u>Remarks Letter</u></p>					
<p>17. <b>If a CONTINUING APPLICATION</b>, check appropriate box; supply the requisite information.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 09/220,913</p> <p style="margin-left: 40px;">Prior application information: Examiner: Marjorie A. Moran Group Art Unit: 1631</p> <p style="margin-left: 40px;"><b>The entire disclosure of the prior application is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference.</b>  <i>(Add standard Related Applications section with incorporation by reference to specification or update same)</i></p>					
<b>18. CORRESPONDENCE ADDRESS</b>					
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Signature	<i>Anne J. Collins</i>	Date	<i>March 16, 2004</i>
Submitted by Typed or Printed Name	Anne J. Collins	Reg. Number	40,564

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Garner T. Hauptert, Jr.

Divisional Application of

Application No.: 09/220,913

Filed: December 24, 1998

For: Methods For Screening HIF Like Ouabain-Resistant Na<sup>+</sup>-K<sup>+</sup>-ATPase Agents

Date: <u>March 16, 2004</u>
EXPRESS MAIL LABEL NO. <u>EV 214948991 US</u>

REMARKS

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-captioned application is a divisional of application number 09/220,913 filed on December 24, 1998 to which priority is claimed under 35 U.S.C. §120.

The specification of the present application is substantially the same as that of the parent application. A related applications paragraph has been added as the first paragraph in the specification. No new matter has been added.

Claims specifically directed to methods of screening a test substance for HIF-like inhibitory activity by measuring or detecting ouabain resistant Na<sup>+</sup>K<sup>+</sup>-ATPase activity (Claims 1-4, 14-17 in U.S. Application No. 09/220,913); methods of screening a test substance for HIF-like inhibitory activity by measuring or detecting liberated P<sub>3</sub> (Claims 5, 6, 18-23 in U.S. Application No. 09/220,913); and a kit comprising an isolated ouabain-resistant Na<sup>+</sup>K<sup>+</sup>-ATPase, ATP, NADH and HIF (Claim 37 in U.S. Application No. 09/220,913), as presented in the parent application, have been omitted.

Claims specifically directed to an assay for screening a test substance for HIF-like inhibitory activity by measuring or detecting the amount of the isotopic Rb<sup>+</sup> present in liposomes or cells (Claims 7, 8, 24-28 in U.S. Application No. 09/220,913); various kits (Claims 36, 38 and

39 in U.S. Application No. 09/220,913); biologically active substances identified by the various methods (Claim 40 in U.S. Application No. 09/220,913); and methods of treating or preventing a disease or disorder (Claims 41 and 42 in U.S. Application No. 09/220,913) have been renumbered sequentially beginning with Claim 1, and include dependent claims (Claims 9-13, 29-35 in U.S. Application No. 09/220,913) which are common to the methods claimed in the parent application.

Please send all correspondence in the above-identified divisional application to:  
Customer No. 021005; Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. In addition, please direct all telephone calls to **Anne J. Collins, Esq.** at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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